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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91240829
Party	Plaintiff STX Financing, LLC
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Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Paul A. Bost
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Signature	/Paul A. Bost/
Date	11/26/2018
Attachments	Terrazas Motion with Exhibits - 1.pdf(3485439 bytes) Terrazas Motion with Exhibits - 2.pdf(3949487 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<p><i>In re Matter of Application Nos. 87/547,487 for the mark: BAD MOMS UNLIMITED in Classes 9, 16 and 25, and 87/547,298 for the mark: BAD MOMS BIBLE in Class 36</i></p> <p>STX Financing, LLC,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>Stacey Michelle Terrazas,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91-240829</p> <p>OPPOSER STX FINANCING, LLC'S MOTION FOR LEAVE TO AMEND NOTICE OF OPPOSITION</p>
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Pursuant to TBMP § 507.01 and Fed. R. Civ. P. 15(a)(2), Opposer STX Financing, LLC (“Opposer”) hereby moves the Board for leave to amend its Consolidated Notice of Opposition filed on April 24, 2018. (1 TTABVUE.) Specifically, Opposer seeks to amend its Consolidated Notice of Opposition to add an additional claim for opposition to Applicant Stacey Michelle Terrazas’ (“Applicant”) application to register BAD MOMS UNLIMITED in Classes 9, 16, and 25 (Ser. No. 87/547,487) (the “BAD MOMS UNLIMITED Application”) on the grounds that Applicant did not have a bona fide intent to use the BAD MOMS UNLIMITED mark in commerce with the goods identified in the Application – but for notebooks, calendars, shirts, and t-shirts – as of the filing date of the Application. STX discovered the grounds for this claim during discovery in the instant proceeding. Additionally, Applicant need not take discovery from STX on this claim because information relating to Applicant’s lack of bona fide intent to use is within Applicant’s custody, control, or possession.

Opposer also seeks to add its newly acquired trademark BAD DADS as a basis for its first claim of likelihood of confusion. If Applicant wishes to take discovery relating to Opposer's BAD DADS mark, it may do so, and the pre-trial deadlines can be extended by one to two months to accommodate that.

This motion is timely because it seeks the amendment before the close of discovery.

This motion is supported by the accompanying brief, the declaration of Paul Bost, STX's proposed First Amended Consolidated Notice of Opposition and a redline reflecting Opposer's changes to its initial Notice of Opposition, and such other papers and argument as may be presented to the Board.

Respectfully submitted,

Dated: November 26, 2018

/s/Paul A. Bost

Jill M. Pietrini

Paul A. Bost

Attorneys for Opposer STX Financing, LLC

BRIEF IN SUPPORT OF MOTION

I. FACTUAL BACKGROUND

Opposer is the producer and distributor of the famous motion picture *Bad Moms* and its sequel *A Bad Moms Christmas* (collectively, the “*Bad Moms* Motion Pictures”). Based on the success of the *Bad Moms* Motion Pictures and co-promotional and merchandising efforts related thereto, Opposer has developed common law rights in the mark BAD MOMS predating the filing of the Application. STX filed applications to register BAD MOMS and BADMOMLIFE on the Principal Register for various goods and services. Since the filing of this proceeding, three of Opposer’s applications have matured to registration, namely: BAD MOMS in Class 21 for “beverageware; bottle stoppers specially adapted for use with wine bottles; coasters, not of paper or textile; cocktail shakers; flasks; water bottles sold empty” (Reg. No. 5,567,306); BAD MOMS in Class 18 for “all-purpose carrying bags” (Reg. No. 5,567,305); and BAD MOMS in Class 3 for “cosmetics” (Reg. No. 5,567,301).¹ On October 17, 2018, Opposer acquired the trademark BAD DADS for beer and clothing, and acquired the registration of BAD DADS for beer. The assignment of BAD DADS to Opposer was recorded with the Office on October 26, 2018.

On July 24, 2017, Applicant filed the BAD MOMS UNLIMITED Application, which is one of Applicant’s applications at issue in this consolidated opposition proceeding. The BAD MOMS UNLIMITED Application was filed pursuant to 15 U.S.C. § 1051(b) and seeks registration of BAD MOMS UNLIMITED for the following goods:

- Class 9: “audio books in the field of parenting, self-help, careers and education; decorative magnets; downloadable mobile applications for social networking, resource and information on parenting, self-help, careers and education; e-books featuring information on parenting, self-help, careers and education recorded on computer media; prerecorded audio tapes featuring information on parenting, self-

¹ Opposer’s proposed First Amended Notice of Opposition accounts for these three registrations that have issued since these proceedings were originally commenced. (Declaration of Paul A. Bost (“Bost Decl.”) ¶ 6, Ex. C, ¶ 3.)

help, careers and education; prerecorded digital audio tape featuring information on parenting, self-help, careers and education; sunglasses; visual and audio recordings featuring information on parenting, self-help, careers and education”;

- Class 16: “adhesive-backed cast pvc film for wrapping commercial vehicles for advertising or other promotional purposes; adhesive labels; art pictures; binders; booklets in the field of parenting, self-help, careers and education; brochures about parenting, self-help, careers and education; bumper stickers; business cards; calendars; canvas for painting; canvas for printing; catalogs in the field of parenting, self-help, careers and education; greeting cards; letterhead paper; magazines in the field of parenting, self-help, careers and education; manuals in the field of instructional information on parenting, self-help, careers and education; memory books; newsletters about parenting, self-help, careers and education; note books; note cards; pamphlets in the field of parenting, self-help, careers and education; paper banners; paper labels; paper for wrapping and packaging; picture books; post cards; posters; printed invitations; printed paper signs; prints; song books; stationery; stickers; story books; art prints; cardboard boxes; gift bags; gift boxes; graphic art prints; informational flyers featuring information on parenting, self-help, careers and education; merchandise bags; paper bags; paper boxes; photo storage boxes”; and
- Class 25: “aprons; baby bibs not of paper; caps being headwear; costumes for use in role-playing games; coverups; dresses; halloween costumes; hats; head wear; headbands; hoodies; infant and toddler one piece clothing; jackets; jumpsuits; leg-warmers; leggings; lingerie; pajamas; pants; ponchos; robes; rompers; scarves; shirts; shoes; shorts; skirts; slippers; socks; sweatpants; sweatshirts; swimwear; t-shirts; ties as clothing; underwear; uniforms; visors being headwear; wristbands as clothing; clothing wraps.”

On April 24, 2018, Opposer filed its Consolidated Notice of Opposition opposing the BAD MOMS UNLIMITED Application and the application to register BAD MOMS BIBLE on the following grounds: (1) likelihood of confusion pursuant to 15 U.S.C. § 1052(d); and (2) likelihood of dilution pursuant to 15 U.S.C. § 1125(c). (1 TTABVUE 5-6.)

During the course of discovery, Applicant served interrogatory responses calling into question her alleged bona fide intent to use BAD MOMS UNLIMITED for the goods identified in the BAD MOMS UNLIMITED Application as of the date the BAD MOMS UNLIMITED Application was filed:

- Interrogatory No. 35: Identify all steps Applicant has taken to begin use of the BAD MOMS UNLIMITED/BAD MOMS BIBLE Marks for each of the goods and services identified in the Applications.

- Response to Interrogatory No. 35: Advertising, promoting, and marketing via the Internet; Badmomsbible.com and Badmomsunlimited.com websites; various social media, namely, LinkedIn, Twitter, Instagram, and Facebook.
- Interrogatory No. 36: Identify all documents reflecting or supporting Applicant's intent to use the BAD MOMS UNLIMITED/BAD MOMS BIBLE Marks for each of the goods and services identified in the Applications currently and as of the date that the Applications were filed.
- Response to Interrogatory No. 36: None.

(Bost Decl. ¶ 2, Ex. A.)

Applicant has not yet developed a website on <badmomsunlimited.com>. Instead, it is merely a parked page. (*Id.*, ¶ 3, Ex. B.) Although Applicant offers for sale t-shirts, tanktops, calendar magnets, and spiral notebooks bearing the words "Bad Moms Unlimited" on the <badmomsbible.com> website and produced documents – designated confidential – reflecting her order of these products on or around February 2018, she has not produced any documents in discovery reflecting any intent to use BAD MOMS UNLIMITED for the other goods identified in the BAD MOMS UNLIMITED Application. (*Id.*, ¶ 4.) Likewise, Applicant has not produced any documents reflecting any efforts to – per her response to Interrogatory No. 35 – advertise, promote, or market any of the goods identified in the BAD MOMS UNLIMITED Application but for t-shirts, tanktops, calendar magnets, and spiral notebooks. (*Id.*, ¶ 5.)

Currently, discovery is scheduled to close on December 30, 2018. (2 TTABVUE 3.)

THE MOTION FOR LEAVE TO AMEND SHOULD BE GRANTED

A. The Liberal Standard for Ruling on Motions for Leave to Amend

Amendments to pleadings in *inter partes* proceedings before the Board are governed by the Federal Rules of Civil Procedure. TBMP § 507.01 ("[P]leadings in an inter partes proceeding before the Board may be amended in the same manner and to the same extent as in a civil action in a United States district court."). Fed.R.Civ.P. 15(a) provides that "[t]he [Board] should freely give leave when justice so requires." *See also* TBMP § 507.01. The Board

liberally grants leave to amend pleadings "at any stage of the proceeding where necessary to bring about a furtherance of justice unless it is shown that entry of the amendment would violate settled law or be prejudicial to the rights of the opposing party." *Commodore Electronics Ltd. v. CBM Kabushiki Kaisha*, 26 USPQ2d 1503, 1505 (TTAB 1993), quoting *American Optical Corp. v. American Olean Tile Co., Inc.*, 168 USPQ 471, 473 (TTAB 1971).

Where the motion for leave to amend is filed prior to the close of the discovery period, there typically is no prejudice to the non-moving party because that party will have an opportunity to take discovery on the matters raised in the proposed amended pleading. *See Focus 21 International Inc. v. Pola Kasei Kogyo Kabushiki Kaisha*, 22 USPQ2d 1316, 1318 (TTAB 1992) (motion for leave to amend timely because it "was filed prior to opening of petitioner's testimony period and thus the discovery period may be reopened without undue prejudice to respondent.") Furthermore, where, as here, the non-moving party is solely in possession of the relevant information relevant to the added claim, any issues raised by the moving party's timing and resulting prejudice to the non-moving party decrease in significance. *See* TBMP § 507.02(a) ("Exercise of such discretion to reopen discovery, however, may not be necessary when the proposed additional claim or allegation concerns a subject on which the non-moving party can be expected to have relevant information in hand. This is especially true when the factual basis for the motion to amend was obtained by the moving party through discovery taken from the non-moving party.")

Importantly, Opposer need not prove its case on this motion to amend nor prove a likelihood of success on the merits. Rather, Opposer must merely satisfy the liberal pleading standards of the Federal Rules of Civil Procedure and those of the Board, which Opposer has done.

B. The Board Should Grant Opposer Leave to Amend

Here, there is no conceivable prejudice to Applicant should the Board allow Opposer leave to file its amended pleading. Discovery in this case does not close until December 30, 2018. (2 TTABVUE 3.) Just as importantly, Opposer's added claim does not require Applicant to take any discovery of Opposer or any third party. All documents and information relevant to the added claim for lack of a bona fide intent to use are within Applicant's possession, custody, and control. As for the added trademark BAD DADS, as noted Applicant can serve discovery now before the motion is decided, or Opposer will agree to a one or two month extension of all pretrial deadlines to allow Applicant additional time in which to serve discovery directed to the BAD DADS trademark. Thus, Opposer's amendment will not inject any inefficiencies into this matter.

Also, Opposer's proposed amended pleading is legally sufficient. Indeed, it is well-settled that an applicant's lack of a bona fide intent to use its mark in connection with the goods identified in its application is a valid ground for opposition. *See* 15 U.S.C. § 1051(b); TBMP § 309.03(c)(1); *M.Z. Berger & Co. v Swatch AG*, 787 F.3d 1368, 114 USPQ2d 1892, 1897 (Fed. Cir. 2015) (lack of bona fide intent is a proper statutory grounds on which to challenge a trademark application.)

Here, Opposer seeks to add a claim based on information revealed during the course of discovery suggesting – if not establishing – that Applicant lacked a bona fide intent to use her BAD MOMS UNLIMITED mark with the vast majority of goods identified in the BAD MOMS UNLIMITED Application. Applicant has acknowledged that she has no documents reflecting or supporting her intent to use the BAD MOMS UNLIMITED mark for each or all of the goods identified in the BAD MOMS UNLIMITED Application currently and as of the date that the

BAD MOMS UNLIMITED Application was filed. (Bost Decl. ¶ 2, Ex. A.) Consistent with her interrogatory response, Applicant has not produced any documents reflecting any intent to use BAD MOMS UNLIMITED on or in conjunction with all of the goods identified in the BAD MOMS UNLIMITED Application. (*Id.*, ¶¶ 4, 5.) Notably, Opposer is not overreaching with its proposed amendment as it has purposefully carved out from its proposed claim t-shirts, shirts, notebooks, and calendars, which products Applicant is currently selling on her <badmomsbible.com> website and which Applicant appears to have originally ordered on or around February 2018. In short, the remedy for the proposed claim will be the deletion of the goods from the BAD MOMS UNLIMITED Application for which Applicant has no bona fide intent to use. *See The Wet Seal, Inc. v. FD Management, Inc.*, 82 USPQ2d 1629, 1633 (TTAB 2007) (“an application will not be deemed void for lack of a bona fide intention to use absent proof of fraud, or proof of a lack of a bona fide intention to use the mark on all of the goods identified in the application, not just some of them.”)

II. CONCLUSION

Based on the foregoing, Opposer respectfully requests that the Board enter an order granting it leave to file its proposed amended pleading and that the Board deem that pleading filed and served.

Respectfully submitted,

Dated: November 26, 2018

/s/Paul A. Bost

Jill M. Pietrini

Paul A. Bost

Attorneys for Opposer STX Financing, LLC

DECLARATION OF PAUL A. BOST

I, Paul A. Bost, declare as follows:

1. I am an attorney duly licensed to practice before the Board and I am an associate in the law firm of Sheppard Mullin Richter Hampton, LLP (“Sheppard”), counsel of record for Opposer in this matter. I am the lawyer primarily responsible for this case, along with Jill Pietrini, a partner at Sheppard . I have personal knowledge of the facts set forth in this declaration and if called to testify, I could and would testify competently thereto.

2. On September 14, 2018, Applicant served her responses to Opposer’s First Set of Interrogatories. True and correct copies of Opposer’s responses to Interrogatory Nos. 35 and 36 are attached hereto as **Exhibit A**.

3. Applicant has not yet developed a website on <badmomsunlimited.com>. Instead, it is merely a parked page. A true and correct printout of <badmomsunlimited.com> is attached hereto as **Exhibit B**.

4. Although Applicant offers for sale t-shirts, tanktops, calendar magnets, and spiral notebooks bearing the words “Bad Moms Unlimited” on the <badmomsbible.com> website and produced documents – designated confidential – reflecting her order of these products on or around February 2018, she has not produced any documents in discovery reflecting any intent to use BAD MOMS UNLIMITED for the other goods identified in the Application.

5. Applicant has not produced any documents reflecting any efforts to – per her response to Interrogatory No. 35 – advertise, promote, or market any of the goods identified in the Application but for t-shirts, tanktops, calendar magnets, and spiral notebooks.

6. True and correct copies of Opposer’s proposed First Amended Consolidated Notice of Opposition and a redline reflecting Opposer’s proposed amendments to its initial

Consolidated Notice of Opposition are attached hereto as **Exhibits C and D**, respectively.

I declare all of the foregoing under the penalty of perjury under the laws of the United States of America.

Executed this 26th day of November, 2018 in Los Angeles, California.

/s/Paul A. Bost

Paul A. Bost

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that **OPPOSER STX FINANCING, LLC'S MOTION FOR LEAVE TO AMEND NOTICE OF OPPOSITION** is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 26th day of November, 2018.

/Paul A. Bost/

Paul A. Bost

CERTIFICATE OF SERVICE

I hereby certify that this **OPPOSER STX FINANCING, LLC'S MOTION FOR LEAVE TO AMEND NOTICE OF OPPOSITION** is being transmitted via email to eddvasquez.esq@gmail.com on this 26th day of November, 2018.

/Paul A. Bost/

Paul A. Bost

SMRH:488328080.1

EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial Nos. 87547298; 87547487

Mark: BAD MOMS BIBLE; BAD MOMS UNLIMITED

Published: December 26, 2017; March 20, 2018

)	
STX FINANCING, LLC)	
OPPOSER)	
)	
v.)	Opposition No. 91240829
)	
STACEY MICHELLE TERRAZAS)	
APPLICANT)	
)	

**APPLICANT’S RESPONSES AND OBJECTIONS TO
OPPOSER’S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and Rule 2.120 of the Trademark Rule of Practice (37 CFR § 2.120), Applicant, Stacey Michelle Terrazas, by and through her attorney hereby answers Interrogatories propounded upon her by Opposer, STX Financing, LLC, as follows:

GENERAL OBJECTIONS

Opposer responds to each and every Interrogatory below subject to the general objections set forth herein (“General Objections”). These General Objections are hereby incorporated into each specific response. The assertion of the same, similar, or additional objections or partial responses to individual Interrogatories does not waive any of the Opposer’s General Objections.

Applicant objects to the Interrogatories to the extent they purport to impose obligations or actions beyond those required by the Rules of Practice in Trademark Cases, the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) and the Federal Rules of Civil Procedure. Applicant responds to the Interrogatories to the extent required by and subject to the objection

INTERROGATORY NO. 31:

State all facts that relate to, support, or negate Applicant's allegation in Paragraph 14 of Applicant's Answer denying that the Applications were filed after the BAD MOMS Marks had become famous.

RESPONSE NO. 31:

Object to the Interrogatory, information is protected from disclosure by the attorney-client privilege. Object to the Interrogatory to the extent that it seeks to draw legal conclusions or opinions, or draw information or questions of pure law.

INTERROGATORY NO. 32:

State all facts that relate to, support, or negate Applicant's allegation in Paragraph 15 of Applicant's Answer denying that the BAD MOMS UNLIMITED/BAD MOMS BIBLE Marks are likely to cause dilution of the BAD MOMS Marks and blur the distinctiveness of the BAD MOMS Marks.

RESPONSE NO. 32:

Object to the Interrogatory, information is protected from disclosure by the attorney-client privilege. Object to the Interrogatory to the extent that it seeks to draw legal conclusions or opinions, or draw information or questions of pure law.

INTERROGATORY NO. 33:

Identify all trademarks or names used by Applicant, currently or in the past, for any good or service that include the terms "bad" and "mom" or any derivatives or permutations thereof.

RESPONSE NO. 33:

BAD MOMS BIBLE; BAD MOMS UNLIMITED.

INTERROGATORY NO. 34:

Identify all owners and past owners of the BAD MOMS UNLIMITED/BAD MOMS BIBLE Marks.

RESPONSE NO. 34:

Stacey Michelle Terrazas

INTERROGATORY NO. 35:

Identify all steps Applicant has taken to begin use of the BAD MOMS UNLIMITED/BAD MOMS BIBLE Marks for each of the goods and services identified in the Applications.

RESPONSE NO. 35:

Advertising, promoting, and marketing via the Internet; Badmomsbible.com and Badmomsunlimited.com websites; various social media, namely, LinkedIn, Twitter, Instagram, and Facebook.

INTERROGATORY NO. 36:

Identify all documents reflecting or supporting Applicant's intent to use the BAD MOMS UNLIMITED/BAD MOMS BIBLE Marks for each of the goods and services identified in the Applications currently and as of the date that the Applications were filed.

RESPONSE NO. 36:

None.

INTERROGATORY NO. 37:

Identify all social media accounts operated or managed by, or associated with, Applicant relating to goods and services Applicant offers under or intends to offer under the BAD MOMS UNLIMITED/BAD MOMS BIBLE Marks.

RESPONSE NO. 37:

LinkedIn, Twitter, Instagram, and Facebook.

VERIFICATION AND OATH

I, Stacey Michelle Terrazas, have reviewed the responses to the foregoing First Set of Interrogatories and the answers to those Interrogatories, which are true according to the best of my knowledge, information, and belief. I declare under penalty of perjury that the foregoing is

September 14, 2018

/Stacey Michelle Terrazas/
Stacey Michelle Terrazas
Applicant

As to objections only: Edd Vasquez, Esq.

Respectfully Submitted,

September 14, 2018

/Edd/
Edd Vasquez, Esq.
Counsel for Applicant
3929 Rawlins Street, B
Dallas, Texas 75219
Telephone: 917.981.4911
Email: eddvasquez.esq@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's Responses and Objections to Opposer's First Set of Interrogatories has been served on STX Financing, LLC on September 14, 2018, via electronic mail to its counsel of record in this proceeding:

Jill M. Pietrini
Paul Bost
Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067
Email: jpietrini@smrh.com, pbost@smrh.com,
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LGlenn@sheppardmullin.com

By: /Edd/
Edd Vasquez, Esq.
3929 Rawlins Street, B
Dallas, Texas 75219
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EXHIBIT B

badmomsunlimited.com



Welcome to badmomsunlimited.com

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EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<p><i>In re Matter of Application Nos. 87/547,487 for the mark: BAD MOMS UNLIMITED in Classes 9, 16 and 25, and 87/547,298 for the mark: BAD MOMS BIBLE in Class 36</i></p> <p>STX Financing, LLC,</p> <p>Opposer,</p> <p>vs.</p> <p>Stacey Michelle Terrazas,</p> <p>Applicant.</p>	<p>Opposition No. _____</p> <p>FIRST AMENDED CONSOLIDATED NOTICE OF OPPOSITION</p>
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Commissioner for Trademarks
ATTN: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Commissioner:

Opposer, STX Financing, LLC, a Delaware limited liability company, having its principal place of business at 3900 West Alameda Avenue, 32nd Floor, Burbank, California 91505 (“Opposer”), believes that it will be harmed by the registration of the marks BAD MOMS UNLIMITED, as shown in Application Serial No. 87/547,487 in Classes 9, 16 and 25, and BAD MOMS BIBLE, as shown in Application Serial No. 87/547,298 in Class 36 (collectively, the “Applications”), and hereby opposes their registration on the following grounds:

FACTUAL BACKGROUND REGARDING OPPOSER’S BAD MOMS MARKS

1. Since 2014, Opposer has been an active participant in the motion picture industry. Opposer has produced and distributed motion pictures and related entertainment products, and has licensed its rights in various motion pictures. Opposer is the entity responsible for producing

and distributing the highly successful motion pictures *Bad Moms* (“Bad Moms”), and its sequel *A Bad Moms Christmas* (“A Bad Moms Christmas”) (collectively, the “*Bad Moms* Motion Pictures”). Attached hereto as **Exhibit A** are true and correct printouts from the informational website Wikipedia describing the *Bad Moms* Motion Pictures. On July 29, 2016, Opposer released to theaters the successful and popular *Bad Moms* motion picture about a social group of mothers sharing assorted humorous adventures. The *Bad Moms* motion picture, which was preceded by a significant marketing campaign, has grossed more than \$183 million in box offices worldwide, including \$113 million in the U.S. alone. Shortly after release of *Bad Moms* in July 2016, Opposer announced that a sequel would be made based in part on the commercial success of the first *Bad Moms* Motion Picture. *Bad Moms* was released on DVD and Blu-ray on November 1, 2016.

2. Opposer began promoting *A Bad Moms Christmas* on or around December 23, 2016. Many news outlets, including Entertainment Weekly, The Hollywood Reporter, and Variety, reported the announcement, which was also announced through its stars’ social media feeds. On January 18, 2017, *Bad Moms* won a People’s Choice Award for “Favorite Comedy Movie”. On November 1, 2017, Opposer released to theaters the second motion picture in the *Bad Moms* series, *A Bad Moms Christmas*. As it had done with *Bad Moms*, Opposer engaged in a number of co-promotions with other brand owners preceding or during the release of *A Bad Moms Christmas*. *A Bad Moms Christmas* was released on DVD and Blu-ray on February 6, 2018. Opposer’s *Bad Moms* Motion Pictures have received considerable media attention. Each of the *Bad Moms* Motion Pictures was heavily promoted months before their release under the BAD MOMS trademark, and each promotional campaign’s advertisement copy consistently featured specific color palettes and design motifs associated with its respective *Bad Moms* Motion Picture. Opposer has licensed the use of the BAD MOMS mark and other intellectual property related to *Bad Moms* for the creation and sale of merchandise. Attached hereto as **Exhibit B** are true and correct printouts from Opposer’s websites at the domains

<<http://stxmovies.com/badmoms>> and <<http://stxfilms.com/abadmomschristmas>> about Opposer and the *Bad Moms* Motion Pictures.

3. Opposer owns three registrations and thirteen pending trademark applications to register marks containing BAD MOMS or BADMOMLIFE (“the BAD MOMS Marks”). Attached as **Exhibit C** are true and correct printouts from the Office’s TESS and TSDR pages for Opposer’s BAD MOMS and BADMOMLIFE trademark registrations and applications, showing status and title of such registrations and applications. Opposer uses the mark BAD MOMS for: audio-visual recordings featuring entertainment in the nature of celebrity interviews, movie clips and outtakes, and comedy performances; downloadable video recordings featuring music; motion pictures featuring comedy; motion pictures featuring comedy downloadable via the internet and mobile devices; multimedia files containing motion picture stills and artwork downloadable via the internet and mobile devices; musical sound recordings; prerecorded CDs, DVDs and other audio visual recordings featuring motion pictures in the field of comedy; prerecorded electronic media featuring audio and video entertainment in the nature of comedy in Class 9; entertainment services in the nature of providing information regarding motion pictures via a website; production and distribution of motion pictures; providing a website featuring non-downloadable film clips and information relating to motion pictures in Class 41; beverageware; bottle stoppers specially adapted for use with wine bottles; coasters, not of paper or textile; cocktail shakers; flasks; water bottles sold empty in Class 21; all-purpose carrying bags in Class 18; and cosmetics in Class 3. The applications to register BADMOMLIFE were filed on an intent to use basis.

4. Opposer first used the BAD MOMS trademark for the aforementioned goods in Class 9 as early as November 2, 2016, for the aforementioned services in Class 41 as early as July 29, 2016, for the aforementioned goods in Class 21 as early as June 14, 2016, for the aforementioned goods in Class 18 as early as October 10, 2017, and for the aforementioned goods in Class 3 as early as November 8, 2017. Since these dates, Opposer has continuously used the BAD MOMS trademark for its various entertainment and related goods and services.

Opposer continues to extensively advertise and promote the *Bad Moms* Motion Pictures and their DVD and Blu-ray offerings through its websites and third party websites, including, but not limited to, through Opposer's social media accounts available through Facebook, Twitter, Instagram, and Pinterest. The *Bad Moms* Motion Pictures have received considerable media attention. As such, Opposer has developed common law rights in the BAD MOMS trademark, which predate the Applications.

5. On October 17, 2018, Opposer acquired the rights in the BAD DADS trademark as used for clothing and beer, and the registration of BAD DADS for beer. The assignment of the BAD DADS trademark was recorded with the Office on October 26, 2018. Attached as **Exhibit D** is a true and correct copy of the Office's TESS and TSDR pages for Opposer's BAD DADS trademark registration, showing status and title of such registration, and the assignment of BAD DADS, as recorded with the Office. The dates of first use of BAD DADS for clothing and beer is April 2015 and January 15, 2015, respectively. As such, Opposer owns prior rights in BAD DADS for clothing over Applicant.

FACTUAL BACKGROUND REGARDING THE APPLICATIONS

6. On July 28, 2017, Applicant Stacey Michelle Terrazas, an individual, having an address of 902 High Ridge Circle, Friendswood, Texas 77546 ("Applicant") filed Application Serial No. 87/547,487 seeking registration, on an intent-to-use basis, of BAD MOMS UNLIMITED for "audio books in the field of parenting, self-help, careers and education; decorative magnets; downloadable mobile applications for social networking, resource and information on parenting, self-help, careers and education; e-books featuring information on parenting, self-help, careers and education recorded on computer media; prerecorded audio tapes featuring information on parenting, self-help, careers and education; prerecorded digital audio tape featuring information on parenting, self-help, careers and education; sunglasses; visual and audio recordings featuring information on parenting, self-help, careers and education" in **Class 9**; "adhesive-backed cast PVC film for wrapping commercial vehicles for advertising or other promotional purposes; adhesive labels; art pictures; binders; booklets in the field of parenting,

self-help, careers and education; brochures about parenting, self-help, careers and education; bumper stickers; business cards; calendars; canvas for painting; canvas for printing; catalogs in the field of parenting, self-help, careers and education; greeting cards; letterhead paper; magazines in the field of parenting, self-help, careers and education; manuals in the field of instructional information on parenting, self-help, careers and education; memory books; newsletters about parenting, self-help, careers and education; note books; note cards; pamphlets in the field of parenting, self-help, careers and education; paper banners; paper labels; paper for wrapping and packaging; picture books; post cards; posters; printed invitations; printed paper signs; prints; song books; stationery; stickers; story books; art prints; cardboard boxes; gift bags; gift boxes; graphic art prints; informational flyers featuring information on parenting, self-help, careers and education; merchandise bags; paper bags; paper boxes; photo storage boxes” in **Class 16**; and “aprons; baby bibs not of paper; caps being headwear; costumes for use in role-playing games; coverups; dresses; Halloween costumes; hats; head wear; headbands; hoodies; infant and toddler one piece clothing; jackets; jumpsuits; leg-warmers; leggings; lingerie; pajamas; pants; ponchos; robes; rompers; scarves; shirts; shoes; shorts; skirts; slippers; socks; sweatpants; sweatshirts; swimwear; t-shirts; ties as clothing; underwear; uniforms; visors being headwear; wristbands as clothing; clothing wraps” in **Class 25** (the “‘487 Application”).

7. The ‘487 Application was published for opposition in the Official Gazette on March 20, 2018. Opposer was granted an extension of time to oppose the ‘487 Application.

8. On July 28, 2017, Applicant filed the Application Serial No. 87/547,298 seeking registration, on an intent-to-use basis, of BAD MOMS BIBLE for “charitable foundation services, namely, providing financial assistance for programs and services of others; charitable foundation services, namely, providing financial support to mothers in need for payment of educational costs, pregnancy and prenatal costs, childcare costs, utility bills and obtaining medications; charitable fundraising services; charitable fundraising services by means of a website where donors search for and make monetary donations to specific charities or projects

aimed at helping mothers in need; charitable fundraising services by means of selling goods to raise funds” in **Class 36** (the “‘298 Application”).

9. The ‘298 Application was published for opposition in the Official Gazette on December 26, 2017. Opposer was granted an extension of time to oppose the ‘298 Application.

10. The ‘487 Application has been cited by the Office as a bar to registration of Opposer’s application to register BAD MOMS in Class 9, Serial No. 87/562,646, and Opposer’s application to register BAD MOMS in Class 25, Serial No. 87/562,482 under 15 U.S.C. §1052(d).

FIRST GROUND – LIKELIHOOD OF CONFUSION

11. Opposer incorporates the allegations contained in Paragraphs 1 to 10 herein.

12. Applicant’s proposed marks BAD MOMS UNLIMITED and BAD MOMS BIBLE are confusingly similar to Opposer’s BAD MOMS Marks and the BAD DADS mark.

13. Applicant’s marks are likely to cause confusion, mistake, or deception as to the source, origin, affiliation, association, connection, or sponsorship of Applicant’s goods and services offered or to be offered under the BAD MOMS UNLIMITED and BAD MOMS BIBLE marks with Opposer’s BAD MOMS Marks and the BAD DADS mark, and/or with Opposer or Opposer’s activities.

SECOND GROUND – LIKELIHOOD OF DILUTION

14. Opposer incorporates the allegations contained in Paragraphs 1 to 13 herein.

15. Opposer’s BAD MOMS Marks are inherently distinctive and have acquired secondary meaning and are associated with Opposer and the goods and services offered under the BAD MOMS Marks. The BAD MOMS Marks are famous within the meaning of the Federal Trademark Dilution Act. Applicant filed the Applications after Opposer’s BAD MOMS Marks had become famous, and Applicant seeks to or does commercially use the applied-for marks BAD MOMS UNLIMITED and BAD MOMS BIBLE.

16. Applicant’s mark is likely to cause dilution of Opposer’s BAD MOMS Marks and blur the distinctiveness of Opposer’s BAD MOMS Marks.

THIRD GROUND – LACK OF A BONA FIDE INTENT TO USE

17. Opposer incorporates the allegations contained in Paragraphs 1 to 16 herein.

18. In verified interrogatory responses, Applicant has admitted that she is not in possession, custody, or control of any documents reflecting or supporting her intent to use the BAD MOMS UNLIMITED mark for each or all of the goods identified in the '487 Application. Likewise, Applicant has not produced any documents in discovery reflecting any intent to use BAD MOMS UNLIMITED for the goods identified in the '487 Application but for shirts, t-shirts, calendars, and notebooks.

19. As of November 26, 2018, Applicant has not developed a website on <badmomsunlimited.com>. Instead, it is merely a parked page.

20. As of the date Applicant filed the '487 Application, she did not have a bona fide intent to use the BAD MOMS UNLIMITED mark on or in conjunction with any of the goods identified in the '487 Application except for shirts, t-shirts, calendars, and notebooks.

DAMAGE TO OPPOSER

21. As a result of all of the foregoing, the maturation of the Applications into registrations would cause a likelihood of confusion, mistake, or deception with Opposer and Opposer's BAD MOMS Marks and the BAD DADS mark, a likelihood of association, connection, or affiliation with Opposer, the goods and services offered by Opposer under the BAD MOMS Marks and the BAD DADS mark, or as to the origin, sponsorship or approval by Opposer of Applicant's services or commercial activities, and a likelihood of dilution of Opposer's BAD MOMS Marks.

22. Opposer would be damaged by the registration of the marks shown in the Applications in that such registrations would give Applicant a *prima facie* exclusive right to the use of BAD MOMS UNLIMITED and BAD MOMS BIBLE, despite the likelihood of confusion, mistake, or deception with Opposer and Opposer's BAD MOMS Marks and BAD DADS mark, and a likelihood of dilution of the BAD MOMS Marks described above.

PRAYER

WHEREFORE, Opposer prays that this Opposition be sustained in favor of Opposer, that the Applications be rejected, and that registration of the Applications be refused.

Opposer requests that the Board charge the requisite filing fee, under 37 C.F.R. § 2.6(a)(17), and any additional fees as necessary to Deposit Account No. 50-4561.

Respectfully submitted,

Dated: November 26, 2018

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EXHIBIT A



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Bad Moms

From Wikipedia, the free encyclopedia

Bad Moms is a 2016 American comedy film directed and written by Jon Lucas and Scott Moore. The film stars an ensemble cast that includes Mila Kunis, Kristen Bell, Kathryn Hahn, Jay Hernandez, Annie Mumolo, Jada Pinkett Smith, and Christina Applegate.

Principal photography began on January 11, 2016, in New Orleans. The film premiered on July 19, 2016, in New York City and was theatrically released on July 29, 2016, by STXfilms. It received mixed reviews from critics and grossed \$183 million worldwide, becoming the first film from STX to gross \$100 million domestically.

A sequel, titled *A Bad Moms Christmas*, was released on November 1, 2017.^[4]

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7 References

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Plot [edit]

Bad Moms

Theatrical release poster

Directed by

Jon Lucas

Scott Moore

Produced by

Bill Block

Suzanne Todd

Written by

Jon Lucas

Scott Moore

Starring

Mila Kunis

Kristen Bell

Kathryn Hahn

Jay Hernandez

Jada Pinkett Smith

Christina Applegate

Music by

Christopher YOUNG

Cinematography

Jim Denault

Edited by

Emma E. Hickox

James Thomas

Production companies

Huayi Brothers Pictures

Bill Block Media

Suzanne Todd

13 more

 Edit links

Amy Mitchell (Mila Kunis) is a married woman in the Chicago suburbs with two children, Jane (Oona Laurence) and Dylan (Emjay Anthony), who feels overworked and overcommitted. She works as a sales rep for a "hip" coffee company, prepares healthful, hand-packed lunches for her children, does most of their homework, goes to all of their extracurricular activities, and is active in her school's PTA, run by the domineering Gwendolyn James (Christina Applegate) and her cronies, Stacy (Jada Pinkett Smith) and Vicky (Annie Mumolo). When she catches her husband Mike (David Walton) cheating on her with a camgirl, Amy kicks him out and attempts to keep everything together.

	Productions
	Virgin Produced
Distributed by	STXfilms
Release date	July 19, 2016 (New York City) <div>July 29, 2016 (United States)</div>
Running time	101 minutes ^[1]
Country	United States
Language	English
Budget	\$22 million ^[2]
Box office	\$183.9 million ^[3]

After a particularly stressful day, Amy publicly quits the PTA in response to Gwendolyn's overzealous bake sale plans. At a nearby bar, Amy meets Carla (Kathryn Hahn), a laid-back, sexually active single mom, and Kiki (Kristen Bell), a stay-at-home mom of four who adores Amy's dissent from Gwendolyn. Amy and Carla are irritated to discover that Kiki's husband is domineering and expects her to take care of all the kids and the house with no assistance whatsoever, while Amy and Kiki are disturbed at Carla's very hands-off approach to parenting. The trio embark on an all-night bender that inspires Amy to loosen up with her kids: she takes them for rides in Mike's classic car, gets them lunch from Arby's, forces Dylan to fend for himself to prevent him from being lazy and entitled, and takes the overachieving and constantly stressed Jane for a spa day. Amy herself decides to start dating but finds herself inexperienced due to her early marriage and motherhood. She ultimately ends up striking a connection with Jessie (Jay Hernandez), a handsome widower at the school who's had a crush on her.

After Amy brings store-bought donut holes to the bake sale, she draws the ire of Gwendolyn, who uses her PTA authority to get Jane benched from the soccer team. Amy is angered, and decides to run for PTA president in opposition to Gwendolyn. A meet-and-greet at Amy's home draws only one visitor, who informs them that Gwendolyn has launched a rival party at her own house, catered by Martha Stewart. In spite of this, the other moms, and Martha, swiftly abandon Gwendolyn's party when it becomes clear that she intends to lecture them all evening, leading to a successful party at Amy's house.

Gwendolyn responds by putting drugs in Jane's locker, which gets her kicked out of all extracurricular activities. Jane and Dylan both go to stay with Mike (who has agreed to an amicable divorce) in response to what they see as Amy's failure as a mom. Amy loses her job because her boss refuses to understand her reasons for taking time off.

A despondent Amy stays home during the PTA election but is roused into action by Carla and Kiki, who finally stands up to her husband and orders him to deal with everything alone until the meeting is over. At the event, Amy gives an inspiring speech about how all the moms are overworked and that they need to take time off, do fewer and less stressful events, and most importantly, allow themselves to make mistakes. Amy wins by a landslide and eventually winds

up comforting a devastated Gwendolyn, who reveals that her life is not perfect like she claims it is and that being in charge of the PTA was her only way to take her anger out on the problems she is facing.

Some weeks later, Amy's approach has led to positive changes: Jane has been reinstated to the soccer team and is stressing out less, Dylan is actually applying himself, Kiki makes her husband help out with taking care of their kids, Carla is more responsible and hands-on, and all of the other moms, including Stacy and Vicky, are feeling more energized. Amy herself has gotten her job back with much better compensation after her boss sees how much he had taken her for granted, and she continues to see Jessie. Gwendolyn invites Amy, Carla, and Kiki for a day of fun on her husband's private jet.

The ending credits play over the cast interviewing their real-life moms.

Cast [edit]

<div><ul style="list-style-type: none">Mila Kunis as Amy MitchellKathryn Hahn as Carla DunklerKristen Bell as KikiChristina Applegate as Gwendolyn JamesJada Pinkett Smith as StacyAnnie Mumolo as VickyJay Hernandez as Jessie Harkness</div>	<div><ul style="list-style-type: none">Oona Laurence as Jane MitchellEmjay Anthony as Dylan MitchellDavid Walton as Mike MitchellClark Duke as Dale KiplerWanda Sykes as Dr. Elizabeth KarlWendell Pierce as Principal Daryl Burr</div>	<div><ul style="list-style-type: none">J.J. Watt as Coach CraigMegan Ferguson as TessaLilly Singh as CathyBilly Slaughter as VeterinarianMartha Stewart as herselfLyle Brocato as Kent</div>
--	--	---

Production [edit]

On April 30, 2015, it was announced that Jon Lucas and Scott Moore were set to direct an untitled female-led comedy, based on their own original script.^[5] Bill Block of Block Entertainment and Raj Brinder Singh of Merced Media Partners would produce the film, along with Judd Apatow and Josh Church through Apatow Productions, while Merced Media financing the film.^[5] Leslie Mann was set to star in the lead role.^[5] This was Bill Block's first film produced through Block Entertainment after leaving QED International.^[5] Paramount Pictures acquired the film's distribution rights on May 8, 2015.^[6] The film was sold to different international distributors at the 2015 Cannes Film Festival.^[7] On June 1, 2015, Mann and Apatow exited the film because of scheduling conflicts.^[8] On October 26, 2015, it was reported that Paramount had left the project, with STX Entertainment coming on board to handle the American distribution.^[9] Mila Kunis, Christina Applegate, and Kristen Bell joined the film, starring in its lead roles, while Suzanne Todd produced the film along with Block.^[9] On January 11, 2016, Jada Pinkett Smith and Kathryn Hahn joined the film, with Smith playing Applegate's blunt best friend, and Hahn also playing a mother.^[10] It was later revealed that Oona Laurence had also joined the cast.^[11]

Filming [edit]

Principal photography on the film began on January 11, 2016 in New Orleans^{[10][12]} and concluded on March 1, 2016.^[13]

Release [edit]

In May 2015, Paramount set the film a release date for April 15, 2016,^[6] but later, in July 2015, the studio moved the film out to a new unspecified release date.^[14] STX Entertainment later bought the distribution rights to the film and scheduled for August 19, 2016, before eventually releasing it on July 29, 2016, swapping release dates with *The Space Between Us*.^[15]

Home media [edit]

Bad Moms was released on DVD and Blu-ray on November 1, 2016 by Universal Studios Home Entertainment.

Reception [edit]

Box office [edit]

Bad Moms grossed \$113.2 million in the United States and Canada and \$70.7 million in other territories for a worldwide total of \$183.9 million, against a budget of \$20 million.^[3]

Bad Moms was released in the United States and Canada on July 29, 2016, alongside *Jason Bourne* and *Nerve*, and was projected to gross around \$25 million in its opening weekend, from 3,215 theaters.^[16] It grossed \$2.1 million from Thursday night previews. In its opening weekend, the film grossed \$23.8 million, finishing 3rd at the box office.^[17] On September 3, the film crossed \$100 million domestically, becoming STX Entertainment's first film to do so.^[18]

Deadline.com calculated the net profit of the film to be \$50.8 million, when factoring together all expenses and revenues.^[19]

Critical response [edit]

Bad Moms received mixed to positive reviews. On Rotten Tomatoes the film has an approval rating of 58% based on 141 reviews with an average rating of 5.6/10, although it received a "Fresh" rating among the site's top critics, who approved it by 68% based on 34 reviews with an average rating of 6.3/10. The site's critical consensus reads, "*Bad Moms* boasts a terrific cast and a welcome twist on domestic comedy -- and they're often enough to compensate for the movie's unfortunate inability to take full advantage of its assets."^[20] On Metacritic, the film has a score of 60 out of 100 based on 33 critics, indicating "mixed or average reviews".^[21] Audiences polled by CinemaScore gave the film an average grade of "A" on an A+ to F scale.^[22]

IGN gave the film 7/10, saying, "[t]he uneven *Bad Moms* is an entry in the slobs versus snobs genre that never quite realizes its full comedic potential."^[23] Chris Nashawaty of *Entertainment Weekly* gave it an A-, writing: "beneath all of its hard-R partying, rebellious debauchery, and profanity, it taps into something very real and insidious in the zeitgeist. It's one of the funniest movies of the year-and one of the most necessary."^[24] Peter Travers and Kyle Smith both gave 2½ stars out of 4, with Travers saying: "the movie cops out by going soft in the end, but it's still hardcore hilarity for stressed moms looking for a girls night out",^[25] and Smith saying: "*Bad*

Moms is like *Sex and the City: The Sneakers-and-Minivan Years*, a good-natured girl-power comedy that balances a bland sitcom structure with some weird and hilarious moments."^[26]

The A.V. Club's Jesse Hassenger opined that *Bad Moms* "sells its characters' struggle short by shuffling their kids off screen whenever it's convenient, and not even in the name of comical neglect; there always seems to be time and money to get a sitter. [...] [This] at times turns the movie into a referendum on unhelpful husbands of well-off moms, rather than the absurdities of Perfect Mom culture."^[27] Lindsey Bahr of the Associated Press wrote, "*Bad Moms* had so many opportunities to be great, edgy and insightful, but instead settles for the most milquetoast commentary possible on modern motherhood."^[28]

Accolades [edit]

Awards	Date of ceremony	Category	Recipient(s)	Result	Ref.
People's Choice Awards	January 18, 2017	Favorite Comedy Movie	<i>Bad Moms</i>	Won	[29]
		Favorite Comedic Movie Actress	Kristen Bell	Nominated	

Sequel and spin-off [edit]

A Bad Mom's Christmas (2017) [edit]

Directors of the first film, Lucas and Moore, have stated that they may get involved with the previously announced spin-off, but that their current focus is to make a sequel to *Bad Moms*.^[30] On December 23, 2016, it was announced that *A Bad Moms Christmas* would be released on November 1, 2017, and that it would be holiday themed, with Bell, Hahn, and Kunis all returning to reprise their roles.^{[31][32]} On May 2, 2017, Susan Sarandon, Christine Baranski, Cheryl Hines, and Peter Gallagher joined the cast of the film.

Bad Dads [edit]

In October 2016, STX Entertainment announced a spin-off film titled *Bad Dads* and set a release date for July 14, 2017.^{[33][34]} However, by July 2017, the film seems to have been delayed with a new release date not set.^[35]

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1.

[^]

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[^]

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3.

[^] ^a ^b

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[^]

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External links [edit]

- Official website
- Bad Moms* on IMDb
- Bad Moms* at AllMovie

Categories: 2016 films | English-language films | 2010s buddy films | 2010s comedy films | American films | American comedy films | American female buddy films | Feminist films | Films about dysfunctional families | Films set in Chicago | Films shot in New Orleans | Huayi Brothers films | STX Entertainment films

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A Bad Moms Christmas

From Wikipedia, the free encyclopedia

A Bad Moms Christmas is a 2017 American Christmas comedy film written and directed by Jon Lucas and Scott Moore. It is a sequel to the 2016 film *Bad Moms*. The plot follows the three moms from the first film (Mila Kunis, Kristen Bell, and Kathryn Hahn) dealing with their own mothers (Christine Baranski, Cheryl Hines, and Susan Sarandon) visiting during the Christmas holiday.

Principal photography on the film began in Atlanta, Georgia in May 2017, and the film was released by STXfilms in the United States on November 1, 2017. It received mixed reviews, with criticism aimed at the thin story and raunchy jokes, and grossed over \$130 million worldwide.^[3]

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Plot [edit]

Amy (Mila Kunis) is now in a happy relationship with Jesse (Jay Hernandez) and is looking forward to having a simple Christmas. Her plans are derailed when her overly critical mother, Ruth


A Bad Moms Christmas



Theatrical release poster

Directed by	Scott Moore Jon Lucas
Produced by	Suzanne Todd Bill Block Mark Kamine
Written by	Scott Moore Jon Lucas
Starring	Mila Kunis Kristen Bell Kathryn Hahn Cheryl Hines Christine Baranski Susan Sarandon
Music by	Christopher Lennertz
Cinematography	Mitchell Amundsen
Edited by	James Thomas
Production company	Huayi Brothers Pictures
Distributed by	STXfilms

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(Christine Baranski), texts her to say she is coming for Christmas.

Meanwhile, Kiki (Kristen Bell) is still overworked with her four kids but now her husband Kent is much more helpful. Kiki is surprised when her mother Sandy (Cheryl Hines) shows up three days earlier than expected and is planning to spend the next three weeks with Kiki. Sandy's love for Kiki is overwhelming, and smothering Kiki.

Release date	October 30, 2017 (Regency Village Theater) November 1, 2017 (United States)
Running time	104 minutes ^[1]
Country	United States
Language	English
Budget	\$28 million ^[2]
Box office	\$130.6 million ^[2]

When Carla (Kathryn Hahn) gets home, her mother, Isis (Susan Sarandon), has arrived, telling her she intends to spend time with her for the first time in years. Surprised by this turn of events Carla is excited to spend time with her. Eventually, Amy, Kiki and Carla go to the mall where they express their misery over the holidays. But while commiserating about the pressures of the holidays they make a pact to "take Christmas back". Ruth tries to create a spectacle out of Christmas, rather than keeping it simple like Amy wanted. In an effort to tamp down those plans Amy takes the family to Sky Zone to meet up with Kiki and Carla and their families. Ruth, Sandy and Isis all meet and chat while their daughters have fun with their kids.

At work, Carla meets an erotic dancer named Ty (Justin Hartley), who says he is competing in a Sexy Santa competition and he asks Carla to be his date, which she enthusiastically accepts. Kiki continues to have issues with her mother's overbearing ways and decides to bring Sandy to Dr. Karl (Wanda Sykes) to discuss these issues. This leads to a breakdown in communication leading to Kiki scolding Sandy and causing her to leave the session.

Amy and Kiki join Carla as they attend the Sexy Santa show. All the ladies in the room are impressed with Ty's dancing. To everyone's surprise, Isis gets up on the bar and starts dancing with Ty. Carla runs up to get Ty back, leading to a fight. When Carla brings Isis home, Isis tells her she needs money for a new investment, but Carla knows she's just going to gamble it all away and then disappear from Carla's life like it's been for years. Nonetheless, Carla relents and loans Isis the money.

On Christmas Eve, Sandy tells Kiki that she put up a cash offer for the house next door so that she can live right next to Kiki. Finally, Kiki lashes out and tells Sandy she cannot live next door and that she wants some space. Sandy leaves the room crying.

Amy gets angry with Ruth when she discovers Ruth has invited a bunch of strangers over to her home to throw an elaborate Christmas party, exactly what Amy did not want. Amy loses her temper and demands everyone leave her home and tells Ruth to leave and get out of her life forever. Her kids, Jane and Dylan, witness this outburst and become upset with Amy. Meanwhile, Carla finds a note from Isis indicating she has just taken off with the money she lent her. Kiki is all alone as well.

Ruth goes to church for Midnight Mass and is, surprisingly, joined by Sandy and Isis. All the ladies criticize each other for their efforts as mothers, with each of them realizing their flaws. Amy's father goes to her to talk about Ruth and the horrible fight they had, but acknowledging that while Ruth can be difficult to deal with, she has always been insecure over her work as a

mom toward Amy, always worried whether or not she was doing a good job as a mother, but she always had the right intentions and loved Amy unconditionally. Amy goes to the church to try and repair her relationship with her mother. They apologize to each other and express their love. Once the clock strikes midnight, Amy and Ruth rush home to fix Christmas.

On Christmas morning, Jane and Dylan go downstairs to see that Ruth has returned, the relationship has been repaired and the house looking wonderful with decorations and gifts. Kiki makes up with Sandy, who tells her she put the neighboring house on the market and admits that she's just always felt lonely on Christmas since Kiki's father died. Carla is then visited by Isis, who is serious about turning her life around and has a new job at Sky Zone.

All the families get together and Ruth, Sandy and Isis announce that they have become friends and are now planning to take a trip to Las Vegas.

Cast [edit]

- | | | |
|--|---|---|
| <ul style="list-style-type: none">Mila Kunis as Amy MitchellKristen Bell as KikiKathryn Hahn as Carla DunklerChristine Baranski as RuthCheryl Hines as SandySusan Sarandon as Isis DunklerJay Hernandez as Jesse HarknessJustin Hartley as Ty Swindle | <ul style="list-style-type: none">Peter Gallagher as Hank MitchellEmjay Anthony as Dylan MitchellKenny G as himselfWanda Sykes as Dr. Elizabeth KarlChristina Applegate as Gwendolyn James (cameo)Lyle Brocato as Kent | <ul style="list-style-type: none">Cade Cooksey as JaxonAriana Greenblatt as LoriJacks Dean as BernardMadison Muffley as ClareKurt Yue as Sushi ChefPatrick R. Walker as Stripper Santa HostMatthew Warzel as Santa StripperPhil Pierce as Mall Santa |
|--|---|---|

Production [edit]

In December 2016, it was announced that *A Bad Moms Christmas* would be released on November 3, 2017, and that it would be Christmas-themed, with Bell, Hahn, and Kunis returning to reprise their roles.^{[4][5]} The release date was subsequently moved up two days to November 1, 2017.^[6] In April 2017, Justin Hartley joined the cast of the film,^[7] and in May 2017, Susan Sarandon, Christine Baranski, and Cheryl Hines joined as the mothers' mothers, alongside Wanda Sykes and Jay Hernandez reprising their roles from the first film.^[8]

Principal photography on the film began in Atlanta, Georgia on May 1, 2017.^{[9][10]}

Release [edit]

A Bad Moms Christmas was released on Wednesday, November 1, 2017. It was originally scheduled for November 3, 2017, but was pushed up two days to avoid direct competition with *Thor: Ragnarok*.^[11]

Home media [edit]

The film was released on DVD and Blu-ray on February 6, 2018 in the United States and Canada.

Reception [edit]

Box office [edit]

A Bad Moms Christmas grossed \$72.1 million in the United States and Canada, and \$58.5 million in other territories, for a worldwide total of \$130.6 million, against a production budget of \$28 million.^[2]

In North America, the film was projected to gross around \$25 million from 3,615 theaters in its first five days (including \$17 million over the weekend).^[12] It took in \$2.7 million on its first day,^[13] and \$17 million over the weekend, for a five-day total of \$21.6 million, finishing second at the box office behind *Thor: Ragnarok*.^[14]

Critical response [edit]

On review aggregator Rotten Tomatoes, the film holds an approval rating of 29% based on 108 reviews, and an average rating of 4.5/10. The site's critical consensus reads, "Featuring twice the moms but roughly half the laughs, *A Bad Moms Christmas* is a slapdash holiday sequel that falls short of the original with a disappointing dearth of good cheer."^[15] On Metacritic, which assigns a normalized rating to reviews, the film has a weighted average score of 42 out of 100, based on 30 critics, indicating "mixed or average reviews".^[16] Audiences polled by CinemaScore gave the film an average grade of "B" on an A+ to F scale, down from the "A" earned by the first film, while PostTrak reported filmgoers gave it a "very low" 68% overall positive score.^[13]

Owen Gleiberman of *Variety* gave the film a mixed review, writing, "*A Bad Moms Christmas* should appeal to the same—dare I say it?—demo that *Bad Moms* did, even though it's not nearly as wild a comedy. It has one halfway original idea, which is that when you're a mom yourself, the ability of your own mom to drive you nuts is heightened to the third power, because you're competing on levels that are almost primal."^[17] Pete Hammond of *Deadline.com* gave the film a positive review, calling it a "good time movie" and writing: "...it goes way over the top, but I have to confess I laughed—a lot—and that's obviously the point even if this is not critic's fodder or meant to be. Subtle this is not, but *A Bad Moms Christmas* is the perfect tonic to lift your spirits and forget your troubles in these dark times."^[18]

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- ↑ ^{*a*} ^{*b*} ^{*c*} "A Bad Moms Christmas (2017)". *Box Office Mojo*. Retrieved January 21, 2018.
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External links ^[edit]

- Official website[ⓘ]
- *A Bad Moms Christmas*[ⓘ] on IMDb
- *A Bad Moms Christmas*[ⓘ] on Rotten Tomatoes

Categories: 2017 films | English-language films | 2010s buddy films | 2010s comedy films | 2010s sequel films | American Christmas films | American comedy films | American female buddy films | American films | American sequel films | Christmas comedy films | Films about dysfunctional families | Films set in Chicago | Films shot in Atlanta | Huayi Brothers films | STX Entertainment films

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BAD MOMS

PARTY LIKE A MOTHER

MILA KUNIS

KRISTEN BELL

KATHRYN HAHN

ANNIE MUMOLO

JADA PINKETT SMITH

CHRISTINA APPLEGATE

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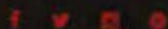
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ABOUT THE FILM

A BAD MOMS CHRISTMAS follows our three under-appreciated and over-burdened women as they rebel against the challenges and expectations of the Super Bowl for moms: Christmas. And if creating a more perfect holiday for their families wasn't hard enough, they have to do all of that while hosting and entertaining their own mothers.

By the end of the journey, our moms will redefine how to make the holidays special for all and discover a closer relationship with their mothers.





CAST & CREW

WRITERS/DIRECTORS

Jon Lucas & Scott Moore

PRODUCER

Suzanne Todd

CAST

Mila Kunis, Kristen Bell, Kathryn Hahn, Jay Hernandez, Cheryl Hines, Peter Gallagher, Justin Hartley, David Walton, with Christine Baranski, and Susan Sarandon

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Word Mark BAD MOMS

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Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87562322

Filing Date August 9, 2017

Current Basis 1B

Original Filing Basis 1B

Published for Opposition December 19, 2017

Owner (APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor
Burbank CALIFORNIA 91505

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

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BAD MOMS

US Serial Number: 87562322

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



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Status Date: Feb. 13, 2018

Publication Date: Dec. 19, 2017

Notice of Allowance Date: Feb. 13, 2018

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Word Mark BAD MOMS

Goods and Services IC 009. US 021 023 026 036 038. G & S: (Based on Intent to Use) Cases for holding compact discs, DVDs, and other electronic media; cases, covers, sleeves, or protective films for PDAs, laptops, mobile phones, handheld computers, electronic book readers, tablet computers, cameras, GPS units, headphones and speakers; computer games, namely, computer game discs, programs and software; computer storage devices, namely, blank flash drives; computer storage devices, namely, pre-recorded flash drives featuring entertainment in the nature of comedy motion pictures and music; decorative magnets; downloadable electronic game software for use on mobile phones and handheld computers; downloadable electronic publications in the nature of books, booklets, magazines, journals, brochures, pamphlets and newsletters, all in the field of motion pictures, and subject matters generally related to entertainment; downloadable music files; musical video recordings; electronic game programs; eyewear; eyewear cases; headphones and earphones; interactive game programs; mouse pads; telephones; video game discs, programs, and software; (Based on Use in Commerce) Audio-visual recordings featuring entertainment in the nature of celebrity interviews, movie clips and outtakes, and comedy performances; downloadable video recordings featuring music; motion pictures featuring comedy; motion pictures featuring comedy downloadable via the internet and mobile devices; multimedia files containing motion picture stills and artwork downloadable via the internet and mobile devices; musical sound recordings; prerecorded CDs, DVDs and other audio visual recordings featuring motion pictures in the field of comedy; prerecorded electronic media featuring audio and video entertainment in the nature of comedy. FIRST USE: 20161102. FIRST USE IN COMMERCE: 20161102

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87562646

Filing Date August 9, 2017

Current Basis 1A;1B

Original Filing Basis 1A;1B

Owner (APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor Burbank CALIFORNIA 91505

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

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BAD MOMS

US Serial Number: 87562646

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status
Descriptor:



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BAD MOMS

Word Mark BAD MOMS

Goods and Services IC 018. US 001 002 003 022 041. G & S: All-purpose carrying bags; back packs; beach bags; business card cases; clips that attach to outside of a bag or purse as a decorative accessory; coin purses; cosmetic or toiletry bags sold empty; credit card holders; diaper bags; duffel bags; handbags; luggage handle wraps; luggage; luggage tags; messenger bags; reusable shopping bags; umbrellas; wallets; wine carrying bags; animal collars; animal clothing

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87562365

Filing Date August 9, 2017

Current Basis 1B

Original Filing Basis 1B

Published for Opposition February 20, 2018

Owner (APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor
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Attorney of Record Jill M. Pietrini

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Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



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Status Date: Apr. 17, 2018

Publication Date: Feb. 20, 2018

Notice of Allowance Date: Apr. 17, 2018

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BAD MOMS

Word Mark BAD MOMS

Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: Beverageware; bottle chillers specially adapted for use with wine bottles; bottle stoppers specially adapted for use with wine bottles; candle holders; charms for attachment to beverage glassware for identification purposes; coasters, not of paper or textile; cocktail plates and serving platters; cocktail shakers; containers for household or kitchen use; cutting boards; decorative ceramic tiles not for use as building materials; drinking steins; flasks; lunch boxes with drinking cups; milk bottles sold empty; pet feeding dishes; recipe boxes; serving trays; tea tumblers in the nature of insulated drinking containers with infusers for brewing tea; teapots; textile lunch bags; thermal insulated can wraps for keeping contents hot or cold; thermal insulated containers for food or beverage; travel mugs; water bottles sold empty

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87562399

Filing Date August 9, 2017

Current Basis 1B

Original Filing Basis 1B

Published for Opposition February 20, 2018

Owner (APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor Burbank CALIFORNIA 91505

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: BAD MOMS

BAD MOMS

US Serial Number: 87562399

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Status Date: Apr. 17, 2018

Publication Date: Feb. 20, 2018

Notice of Allowance Date: Apr. 17, 2018

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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BAD MOMS

Word Mark

BAD MOMS

Goods and Services

IC 025. US 022 039. G & S: Clothing, namely, aprons, bandanas, beach cover-ups, cardigans, culottes, do rags for use as headwear, dresses, infantwear, jackets, jeans, jerseys, leggings, lingerie, loungewear, neckwear, overalls, overcoats, pants, ponchos, robes, sarongs, sashes, scarves, shawls, shirts, shorts, skirts, skorts, sleepwear, socks, suits, sweat bands, sweaters, sweatpants, sweatshirts, swimwear, tank tops, track pants, t-shirts, undergarments, vests, wind resistant jackets, and windshirts, belts; footwear; and headwear

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number 87562482

Filing Date August 9, 2017

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue 32nd Floor Burbank CALIFORNIA 91505

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: BAD MOMS

BAD MOMS

US Serial Number: 87562482

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in 1 click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 02, 2018

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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BAD MOMS

Word Mark

BAD MOMS

Goods and Services

IC 026. US 037 039 040 042 050. G & S: Ornamental novelty buttons; belt buckles; charms for attachment to beverage glassware for identification purposes; accessory charms for cell phones; decorative charms for eyewear; hair accessories, namely, hair bands; hair clips; pet collar accessories, namely, charms; ornamental patches for clothing; shoe laces

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number

87562530

Filing Date

August 9, 2017

Current Basis

1B

Original Filing Basis

1B

Published for Opposition

February 20, 2018

Owner

(APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor Burbank CALIFORNIA 91505

Attorney of Record

Jill M. Pietrini

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

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Mark: BAD MOMS

BAD MOMS

US Serial Number: 87562530

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Status Date: Apr. 17, 2018

Publication Date: Feb. 20, 2018

Notice of Allowance Date: Apr. 17, 2018

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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BAD MOMS

Word Mark	BAD MOMS
Goods and Services	IC 033. US 047 049. G & S: Alcoholic beverages except beer; spirits; liquors
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87562556
Filing Date	August 9, 2017
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor Burbank CALIFORNIA 91505
Attorney of Record	Jill M. Pietrini
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Mark: BAD MOMS

BAD MOMS

US Serial Number: 87562556

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in I click on the Trademark Document Retrieval link at the top of this page.

Status Date: Nov. 10, 2017

Mark Information**Goods and Services****Basis Information (Case Level)****Current Owner(s) Information****Attorney/Correspondence Information****Prosecution History****TM Staff and Location Information****Assignment Abstract Of Title Information - Click to Load****Proceedings - Click to Load**



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BAD MOMS

Word Mark BAD MOMS

Goods and Services IC 041. US 100 101 107. G & S: (Based on Intent to Use) Entertainment services in the nature of live musical performances; entertainment services in the nature of providing information regarding music via a website; entertainment services, namely, providing temporary use of non-downloadable computer games; live entertainment events, namely, comedy shows, special events, live concerts, and appearances by actors and musicians; blogs, namely, online journals relating to motion pictures, music, actors, television programs, and entertainment events; fan club services; providing online computer games; production of musical audio and video recordings and television programs; entertainment information; providing podcasts relating to motion pictures; (Based on Use in Commerce) Entertainment services in the nature of providing information regarding motion pictures via a website; production and distribution of motion pictures; providing a website featuring non-downloadable film clips and information relating to motion pictures. FIRST USE: 20160729. FIRST USE IN COMMERCE: 20160729

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87562696

Filing Date August 9, 2017

Current Basis 1A;1B

Original Filing Basis 1A;1B

Owner (APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor Burbank CALIFORNIA 91505

Attorney of Record Jill M. Pietrini

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: BAD MOMS

BAD MOMS

US Serial Number: 87562696

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (meeting the minimum filing requirements) and that this application has been accepted by the examiner.

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 22, 2018

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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BADMOMLIFE

Word Mark BADMOMLIFE

Goods and Services IC 009, US 021 023 026 036 038, G & S: Audio-visual recordings featuring entertainment in the nature of celebrity interviews, movie clips and outtakes, and comedy performances; cases for holding compact discs, DVDs, and other electronic media; cases, covers, sleeves, or protective films for PDAs, laptops, mobile phones, handheld computers, electronic book readers, tablet computers, cameras, GPS units, headphones and speakers; computer games, namely, computer game discs, programs and software; computer storage devices, namely, blank flash drives; computer storage devices, namely, prerecorded flash drives featuring entertainment in the fields of motion pictures and music; decorative magnets; downloadable electronic game software for use on mobile phones and handheld computers; downloadable electronic publications in the nature of books, booklets, magazines, journals, brochures, pamphlets and newsletters, all in the field of motion pictures, and subject matters generally related to entertainment; downloadable music files; downloadable video recordings featuring music; electronic game programs; eyewear; eyewear cases; headphones and earphones; interactive game programs; motion pictures featuring comedy; motion pictures featuring comedy downloadable via the internet and mobile devices; mouse pads; multimedia files containing motion picture stills and artwork downloadable via the internet and mobile devices; musical sound recordings; musical video recordings; prerecorded CDs, DVDs and other audio visual recordings featuring motion pictures in the field of comedy; prerecorded electronic media featuring audio and video entertainment in the nature of comedy; telephones; video game discs, programs, and software

Standard
Characters
ClaimedMark
Drawing Code (4) STANDARD CHARACTER MARKSerial
Number 87562582

Filing Date August 9, 2017

Current
Basis 1BOriginal
Filing Basis 1B

Owner (APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor Burbank CALIFORNIA 91505

Attorney of
Record Jill M. PietriniType of
Mark TRADEMARK

Register PRINCIPAL

Live/Dead
Indicator LIVE[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DCT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#)
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Mark: BADMOMLIFE

BADMOMLIFE

US Serial Number: 87562582

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all require and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top page.

Status Date: Feb. 15, 2018

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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BADMOMLIFE

Word Mark BADMOMLIFE

Goods and Services IC 018. US 001 002 003 022 041. G & S: All-purpose carrying bags; back packs; beach bags; business card cases; clips that attach to outside of a bag or purse as a decorative accessory; coin purses; cosmetic or toiletry bags sold empty; credit card holders; diaper bags; duffel bags; handbags; luggage handle wraps; luggage; luggage tags; messenger bags; reusable shopping bags; umbrellas; wallets; wine carrying bags; animal collars; animal clothing

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87562596

Filing Date August 9, 2017

Current Basis 1B

Original Filing Basis 1B

Published for Opposition February 13, 2018

Owner (APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor
Burbank CALIFORNIA 91505

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: BADMOMLIFE

BADMOMLIFE

US Serial Number: 87562596

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Status Date: Apr. 10, 2018

Publication Date: Feb. 13, 2018

Notice of Allowance Date: Apr. 10, 2018

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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BADMOMLIFE

Word Mark BADMOMLIFE

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, aprons, bandanas, beach cover-ups, cardigans, culottes, do rags for use as headwear, dresses, infantwear, jackets, jeans, jerseys, leggings, lingerie, loungewear, neckwear, overalls, overcoats, pants, ponchos, robes, sarongs, sashes, scarves, shawls, shirts, shorts, skirts, skorts, sleepwear, socks, suits, sweat bands, sweaters, sweatpants, sweatshirts, swimwear, tank tops, track pants, t-shirts, undergarments, vests, wind resistant jackets, and windshirts; belts; footwear; and headwear

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87562616

Filing Date August 9, 2017

Current Basis 1B

Original Filing Basis 1B

Published for Opposition February 13, 2018

Owner (APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor
Burbank CALIFORNIA 91505

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: BADMOMLIFE

BADMOMLIFE

US Serial Number: 87562616

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Status Date: Apr. 10, 2018

Publication Date: Feb. 13, 2018

Notice of Allowance Date: Apr. 10, 2018

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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Available Search

TESS Search

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BADMOMLIFE

Word Mark BADMOMLIFE

Goods and Services IC 041. US 100 101 107. G & S: Entertainment services in the nature of live musical performances; entertainment services in the nature of providing information regarding motion pictures and music via a website; entertainment services, namely, providing temporary use of non-downloadable computer games; blogs, namely, online journals relating to motion pictures, music, actors, television programs, and entertainment events; fan club services; providing online computer games; production of musical audio and video recordings; production and distribution of motion pictures and television programs; providing a website featuring non-downloadable film clips and information relating to motion pictures; entertainment information; providing podcasts relating to motion pictures; organizing, arranging and conducting entertainment events, namely, comedy shows, special events, live concerts, and appearances by actors and musicians; nightclubs

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87562628

Filing Date August 9, 2017

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue 32nd Floor Burbank CALIFORNIA 91505

Attorney of Record Jill M. Pietrini

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: BADMOMLIFE

BADMOMLIFE

US Serial Number: 87562628

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 19, 2018

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Apr 17 05:21:02 EDT 2018

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[NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.Start List At: OR [Jump](#) to record: **Record 9 out of 13**[TSDR](#) [ASSIGNMENT](#) [LEGAL STATUS](#) (Use the "Back" button of the Internet Browser to return to TESS)

BADMOMLIFE

Word Mark	BADMOMLIFE
Goods and Services	IC 043. US 100 101. G & S: Restaurant services; carry out services; cafes; restaurant information services; self-service restaurant services; bar services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87562655
Filing Date	August 9, 2017
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) STX Financing, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 West Alameda Avenue, 32nd Floor Burbank CALIFORNIA 91505
Attorney of Record	Jill M. Pietrini
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Mark: BADMOMLIFE

BADMOMLIFE

US Serial Number: 87562655

Application Filing Date: Aug. 09, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all require and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top page.

Status Date: Jan. 19, 2018

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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EXHIBIT D



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BAD DADS

Word Mark	BAD DADS
Goods and Services	IC 032. US 045 046 048. G & S: BEER. FIRST USE: 20150115. FIRST USE IN COMMERCE: 20150115
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86719464
Filing Date	August 10, 2015
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 5, 2016
Registration Number	4922649
Registration Date	March 22, 2016
Owner	(REGISTRANT) Christopher P. Raggio INDIVIDUAL UNITED STATES 6168 Paseo Tapajos Carlsbad CALIFORNIA 92009
	(LAST LISTED OWNER) STX FINANCING, LLC LIMITED LIABILITY COMPANY DELAWARE 3900 WEST ALAMEDA AVE. BURBANK CALIFORNIA 91505
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Michael T. Raggio
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST
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Starting Oct. 4, 2018, bulk data customers should no longer obtain direct access to TSDR data through tsdrsec.uspto.gov. **There are two alternative ways to receive bulk data from TSDR.**

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Mark: BAD DADS

BAD DADS

US Serial Number: 86719464

Application Filing Date: Aug. 10, 2015

US Registration Number: 4922649

Registration Date: Mar. 22, 2016

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 22, 2016

Publication Date: Jan. 05, 2016

Mark Information

Mark Literal Elements: BAD DADS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: BEER

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 15, 2015

Use in Commerce: Jan. 15, 2015

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: STX FINANCING, LLC

Owner Address: 3900 WEST ALAMEDA AVE.
BURBANK, CALIFORNIA UNITED STATES 91505

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Michael T. Raggio

Docket Number: 1846-20001

Attorney Primary Email raggiodynamin@aol.com
Address:

Attorney Email Authorized: No

CorrespondentCorrespondent MICHAEL T. RAGGIO
Name/Address: Raggio & Dinnin P C
2701 Cambridge Ct Ste 410
Auburn Hills, MICHIGAN UNITED STATES 48326-2510

Phone: 2483642100

Fax: 248-364-2200

Correspondent e-mail: raggiodynamin@aol.comCorrespondent e-mail
Authorized: No**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Oct. 31, 2018	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 22, 2016	REGISTERED-PRINCIPAL REGISTER	
Jan. 05, 2016	PUBLISHED FOR OPPOSITION	
Dec. 16, 2015	NOTICE OF PUBLICATION	
Nov. 22, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 22, 2015	ASSIGNED TO EXAMINER	80800

Aug. 13, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Aug. 13, 2015	NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 22, 2016

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TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
 Stylesheet Version v1.2

ETAS ID: TM495614

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Christopher P. Raggio		10/17/2018	INDIVIDUAL: UNITED STATES
RECEIVING PARTY DATA			
Name:	STX Financing, LLC		
Street Address:	3900 West Alameda Ave.		
City:	Burbank		
State/Country:	CALIFORNIA		
Postal Code:	91505		
Entity Type:	Limited Liability Company: DELAWARE		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	4922649	BAD DADS	
CORRESPONDENCE DATA			
Fax Number:	3102283701		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	3102283700		
Email:	TrademarksCC@sheppardmullin.com		
Correspondent Name:	JILL M PIETRINI		
Address Line 1:	1901 AVENUE OF THE STARS, SUITE 1600		
Address Line 4:	LOS ANGELES, CALIFORNIA 90067-6017		
ATTORNEY DOCKET NUMBER:	51RT-242713-319		
NAME OF SUBMITTER:	Jill M. Pietrini		
SIGNATURE:	/Jill M. Pietrini/		
DATE SIGNED:	10/26/2018		
Total Attachments: 2			
source=Assignment_RN 4922649#page1.tif			
source=Assignment_RN 4922649#page2.tif			

CH \$40.00 4922649

Trademark Assignment

This ASSIGNMENT is made by and between STX Financing, LLC, a Delaware limited liability company, having a business address of 3900 West Alameda Ave., Burbank, CA 91505 ("Assignee"), on the one hand, and Christopher P. Raggio, an individual, having an address of 6168 Paseo Trapajos, Carlsbad, CA 92009 ("Assignor"), on the other hand.

WHEREAS, Assignor owns all rights, title, and interest in and to the trademark, and the U.S. registration thereof identified below (hereinafter the "Trademark" and "Registration"), along with the goodwill of the business appurtenant to said Trademark and Registration:

Trademark	Class and Goods	Registration No. (if applicable)	Alleged Date of First Use	Registration Date
BAD DADS	32 Beer	4,922,649	1/15/15	8/10/15
BAD DADS	25 T-shirts, hats, sweatshirts, jackets, and pants	Common Law	April 2015	Not applicable

WHEREAS, Assignor has agreed to assign all right, title, and interest in the Trademark and Registration to Assignee, together with the goodwill of the business symbolized thereby, all rights to register or apply for registration of the Trademark in any jurisdiction, all common law and other rights in the Trademark, and all claims and causes of action of any kind that he may have as owner of the Trademark;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby assigns to Assignee all right, title, and interest in the United States and in any other country in the world in and to the Trademark and Registration, together with the goodwill of the business symbolized thereby, all rights to register or apply for registration of the Trademark in any jurisdiction, all common law and other rights in the Trademark, and all claims and causes of action of any kind that he may have as owner of the Trademark. Assignor also authorizes Assignee to record this Assignment in the United States Patent & Trademark Office and in similar government offices throughout the world.

Signed at SAN MARCOS CA, this 17 day of October, 2018.


Christopher P. Raggio

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San DiegoOn October 17, 2018 before me, Patricia Rosales Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared Christopher P. Raggio

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: Agreement Re Trademark Assignment

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

EXHIBIT D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<i>In re Matter of Application Nos. 87/547,487 for the mark: BAD MOMS UNLIMITED in Classes 9, 16 and 25, and 87/547,298 for the mark: BAD MOMS BIBLE in Class 36</i> STX Financing, LLC, Opposer, vs. Stacey Michelle Terrazas, Applicant.	Opposition No. _____ <u>FIRST AMENDED</u> CONSOLIDATED NOTICE OF OPPOSITION
---	---

Commissioner for Trademarks
ATTN: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Commissioner:

Opposer, STX Financing, LLC, a Delaware limited liability company, having its principal place of business at 3900 West Alameda Avenue, 32nd Floor, Burbank, California 91505 (“Opposer”), believes that it will be harmed by the registration of the marks BAD MOMS UNLIMITED, as shown in Application Serial No. 87/547,487 in Classes 9, 16 and 25, and BAD MOMS BIBLE, as shown in Application Serial No. 87/547,298 in Class 36 (collectively, the “Applications”), and hereby opposes their registration on the following grounds:

FACTUAL BACKGROUND REGARDING OPPOSER’S BAD MOMS MARKS

1. Since 2014, Opposer has been an active participant in the motion picture industry. Opposer has produced and distributed motion pictures and related entertainment products, and has licensed its rights in various motion pictures. Opposer is the entity responsible for producing

and distributing the highly successful motion pictures *Bad Moms* (“Bad Moms”), and its sequel *A Bad Moms Christmas* (“A Bad Moms Christmas”) (collectively, the “*Bad Moms* Motion Pictures”). Attached hereto as **Exhibit A** are true and correct printouts from the informational website Wikipedia describing the *Bad Moms* Motion Pictures. On July 29, 2016, Opposer released to theaters the successful and popular *Bad Moms* motion picture about a social group of mothers sharing assorted humorous adventures. The *Bad Moms* motion picture, which was preceded by a significant marketing campaign, has grossed more than \$183 million in box offices worldwide, including \$113 million in the U.S. alone. Shortly after release of *Bad Moms* in July 2016, Opposer announced that a sequel would be made based in part on the commercial success of the first *Bad Moms* Motion Picture. *Bad Moms* was released on DVD and Blu-ray on November 1, 2016.

2. Opposer began promoting *A Bad Moms Christmas* on or around December 23, 2016. Many news outlets, including Entertainment Weekly, The Hollywood Reporter, and Variety, reported the announcement, which was also announced through its stars’ social media feeds. On January 18, 2017, *Bad Moms* won a People’s Choice Award for “Favorite Comedy Movie”. On November 1, 2017, Opposer released to theaters the second motion picture in the *Bad Moms* series, *A Bad Moms Christmas*. As it had done with *Bad Moms*, Opposer engaged in a number of co-promotions with other brand owners preceding or during the release of *A Bad Moms Christmas*. *A Bad Moms Christmas* was released on DVD and Blu-ray on February 6, 2018. Opposer’s *Bad Moms* Motion Pictures have received considerable media attention. Each of the *Bad Moms* Motion Pictures was heavily promoted months before their release under the BAD MOMS trademark, and each promotional campaign’s advertisement copy consistently featured specific color palettes and design motifs associated with its respective *Bad Moms* Motion Picture. Opposer has licensed the use of the BAD MOMS mark and other intellectual property related to *Bad Moms* for the creation and sale of merchandise. Attached hereto as **Exhibit B** are true and correct printouts from Opposer’s websites at the domains

<<http://stxmovies.com/badmoms>> and <<http://stxfilms.com/abadmomschristmas>> about Opposer and the *Bad Moms* Motion Pictures.

3. Opposer owns [three registrations and](#) thirteen pending trademark applications to register marks containing BAD MOMS or BADMOMLIFE (“the BAD MOMS Marks”). Attached as **Exhibit C** are true and correct printouts from the Office’s TESS and TSDR pages for Opposer’s BAD MOMS and BADMOMLIFE trademark [registrations and](#) applications, showing status and title of such [registrations and](#) applications. Opposer uses the mark BAD MOMS for: audio-visual recordings featuring entertainment in the nature of celebrity interviews, movie clips and outtakes, and comedy performances; downloadable video recordings featuring music; motion pictures featuring comedy; motion pictures featuring comedy downloadable via the internet and mobile devices; multimedia files containing motion picture stills and artwork downloadable via the internet and mobile devices; musical sound recordings; prerecorded CDs, DVDs and other audio visual recordings featuring motion pictures in the field of comedy; prerecorded electronic media featuring audio and video entertainment in the nature of comedy in Class 9, ~~and for~~; entertainment services in the nature of providing information regarding motion pictures via a website; production and distribution of motion pictures; providing a website featuring non-downloadable film clips and information relating to motion pictures in Class 41; [beverageware; bottle stoppers specially adapted for use with wine bottles; coasters, not of paper or textile; cocktail shakers; flasks; water bottles sold empty in Class 21; all-purpose carrying bags in Class 18; and cosmetics in Class 3](#). The applications to register BADMOMLIFE were filed on an intent to use basis.

4. Opposer first used the BAD MOMS trademark for the aforementioned goods in Class 9 as early as November 2, 2016, ~~and for~~ the aforementioned services in Class 41 as early as July 29, 2016, [for the aforementioned goods in Class 21 as early as June 14, 2016, for the aforementioned goods in Class 18 as early as October 10, 2017, and for the aforementioned goods in Class 3 as early as November 8, 2017](#). Since ~~then~~ [these dates](#), Opposer has continuously used the BAD MOMS trademark for its various entertainment and related goods and services.

Opposer continues to extensively advertise and promote the *Bad Moms* Motion Pictures and their DVD and Blu-ray offerings through its websites and third party websites, including, but not limited to, through Opposer's social media accounts available through Facebook, Twitter, Instagram, and Pinterest. The *Bad Moms* Motion Pictures have received considerable media attention. As such, Opposer has developed common law rights in the BAD MOMS trademark, which predate the Applications.

5. On October 17, 2018, Opposer acquired the rights in the BAD DADS trademark as used for clothing and beer, and the registration of BAD DADS for beer. The assignment of the BAD DADS trademark was recorded with the Office on October 26, 2018. Attached as Exhibit D is a true and correct copy of the Office's TESS and TSDR pages for Opposer's BAD DADS trademark registration, showing status and title of such registration, and the assignment of BAD DADS, as recorded with the Office. The dates of first use of BAD DADS for clothing and beer is April 2015 and January 15, 2015, respectively. As such, Opposer owns prior rights in BAD DADS for clothing over Applicant.

FACTUAL BACKGROUND REGARDING THE APPLICATIONS

6. On July 28, 2017, Applicant Stacey Michelle Terrazas, an individual, having an address of 902 High Ridge Circle, Friendswood, Texas 77546 ("Applicant") filed Application Serial No. 87/547,487 seeking registration, on an intent-to-use basis, of BAD MOMS UNLIMITED for "audio books in the field of parenting, self-help, careers and education; decorative magnets; downloadable mobile applications for social networking, resource and information on parenting, self-help, careers and education; e-books featuring information on parenting, self-help, careers and education recorded on computer media; prerecorded audio tapes featuring information on parenting, self-help, careers and education; prerecorded digital audio tape featuring information on parenting, self-help, careers and education; sunglasses; visual and audio recordings featuring information on parenting, self-help, careers and education" in **Class 9**; "adhesive-backed cast PVC film for wrapping commercial vehicles for advertising or other promotional purposes; adhesive labels; art pictures; binders; booklets in the field of parenting,

self-help, careers and education; brochures about parenting, self-help, careers and education; bumper stickers; business cards; calendars; canvas for painting; canvas for printing; catalogs in the field of parenting, self-help, careers and education; greeting cards; letterhead paper; magazines in the field of parenting, self-help, careers and education; manuals in the field of instructional information on parenting, self-help, careers and education; memory books; newsletters about parenting, self-help, careers and education; note books; note cards; pamphlets in the field of parenting, self-help, careers and education; paper banners; paper labels; paper for wrapping and packaging; picture books; post cards; posters; printed invitations; printed paper signs; prints; song books; stationery; stickers; story books; art prints; cardboard boxes; gift bags; gift boxes; graphic art prints; informational flyers featuring information on parenting, self-help, careers and education; merchandise bags; paper bags; paper boxes; photo storage boxes” in **Class 16**; and “aprons; baby bibs not of paper; caps being headwear; costumes for use in role-playing games; coverups; dresses; Halloween costumes; hats; head wear; headbands; hoodies; infant and toddler one piece clothing; jackets; jumpsuits; leg-warmers; leggings; lingerie; pajamas; pants; ponchos; robes; rompers; scarves; shirts; shoes; shorts; skirts; slippers; socks; sweatpants; sweatshirts; swimwear; t-shirts; ties as clothing; underwear; uniforms; visors being headwear; wristbands as clothing; clothing wraps” in **Class 25** (the “‘487 Application”).

7. The ‘487 Application was published for opposition in the Official Gazette on March 20, 2018. Opposer was granted an extension of time to oppose the ‘487 Application.

8. On July 28, 2017, Applicant filed the Application Serial No. 87/547,298 seeking registration, on an intent-to-use basis, of BAD MOMS BIBLE for “charitable foundation services, namely, providing financial assistance for programs and services of others; charitable foundation services, namely, providing financial support to mothers in need for payment of educational costs, pregnancy and prenatal costs, childcare costs, utility bills and obtaining medications; charitable fundraising services; charitable fundraising services by means of a website where donors search for and make monetary donations to specific charities or projects

aimed at helping mothers in need; charitable fundraising services by means of selling goods to raise funds” in **Class 36** (the “‘298 Application”).

9. The ‘298 Application was published for opposition in the Official Gazette on December 26, 2017. Opposer was granted an extension of time to oppose the ‘298 Application.

10. The ‘487 Application has been cited by the Office as a bar to registration of Opposer’s application to register BAD MOMS in Class 9, Serial No. 87/562,646, and Opposer’s application to register BAD MOMS in Class 25, Serial No. 87/562,482 under 15 U.S.C. §1052(d).

FIRST GROUND – LIKELIHOOD OF CONFUSION

11. Opposer incorporates the allegations contained in Paragraphs 1 to ~~9~~10 herein.

12. Applicant’s proposed marks BAD MOMS UNLIMITED and BAD MOMS BIBLE are confusingly similar to Opposer’s BAD MOMS Marks and the BAD DADS mark.

13. Applicant’s marks are likely to cause confusion, mistake, or deception as to the source, origin, affiliation, association, connection, or sponsorship of Applicant’s goods and services offered or to be offered under the BAD MOMS UNLIMITED and BAD MOMS BIBLE marks with Opposer’s BAD MOMS Marks and the BAD DADS mark, and/or with Opposer or Opposer’s activities.

SECOND GROUND – LIKELIHOOD OF DILUTION

14. Opposer incorporates the allegations contained in Paragraphs 1 to ~~12~~13 herein.

15. Opposer’s BAD MOMS Marks are inherently distinctive and have acquired secondary meaning and are associated with Opposer and the goods and services offered under the BAD MOMS Marks. The BAD MOMS Marks are famous within the meaning of the Federal Trademark Dilution Act. Applicant filed the Applications after Opposer’s BAD MOMS Marks had become famous, and Applicant seeks to or does commercially use the applied-for marks BAD MOMS UNLIMITED and BAD MOMS BIBLE.

16. Applicant’s mark is likely to cause dilution of Opposer’s BAD MOMS Marks and blur the distinctiveness of Opposer’s BAD MOMS Marks.

THIRD GROUND – LACK OF A BONA FIDE INTENT TO USE

17. Opposer incorporates the allegations contained in Paragraphs 1 to 16 herein.

18. In verified interrogatory responses, Applicant has admitted that she is not in possession, custody, or control of any documents reflecting or supporting her intent to use the BAD MOMS UNLIMITED mark for each or all of the goods identified in the ‘487 Application. Likewise, Applicant has not produced any documents in discovery reflecting any intent to use BAD MOMS UNLIMITED for the goods identified in the ‘487 Application but for shirts, t-shirts, calendars, and notebooks.

19. As of November 26, 2018, Applicant has not developed a website on <badmomsunlimited.com>. Instead, it is merely a parked page.

20. As of the date Applicant filed the ‘487 Application, she did not have a bona fide intent to use the BAD MOMS UNLIMITED mark on or in conjunction with any of the goods identified in the ‘487 Application except for shirts, t-shirts, calendars, and notebooks.

DAMAGE TO OPPOSER

21. As a result of all of the foregoing, the maturation of the Applications into registrations would cause a likelihood of confusion, mistake, or deception with Opposer and Opposer’s BAD MOMS Marks and the BAD DADS mark, a likelihood of association, connection, or affiliation with Opposer, the goods and services offered by Opposer under the BAD MOMS Marks and the BAD DADS mark, or as to the origin, sponsorship or approval by Opposer of Applicant’s services or commercial activities, and a likelihood of dilution of, Opposer’s BAD MOMS Marks.

22. Opposer would be damaged by the registration of the marks shown in the Applications in that such registrations would give Applicant a *prima facie* exclusive right to the use of BAD MOMS UNLIMITED and BAD MOMS BIBLE, despite the likelihood of confusion, mistake, or deception with Opposer and Opposer’s BAD MOMS Marks and BAD DADS mark, and a likelihood of dilution of the BAD MOMS Marks described above.

PRAYER

WHEREFORE, Opposer prays that this Opposition be sustained in favor of Opposer, that the Applications be rejected, and that registration of the Applications be refused.

Opposer requests that the Board charge the requisite ~~\$1,600~~ **opposition** filing fee, under 37 C.F.R. § 2.6(a)(17), and any additional fees as necessary to Deposit Account No. 50-4561.

Respectfully submitted,

Dated: ~~April 24~~ November 26, 2018

/Jill M. Pietrini/
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CERTIFICATE OF E- FILING

~~I hereby certify that this CONSOLIDATED NOTICE OF OPPOSITION is being transmitted electronically to Commissioner of Trademarks, Attn: Trademark Trial and Appeal Board through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 24th day of April, 2018.~~

/LaTrina A. Martin/
LaTrina A. Martin

SMRH: ~~486000824.1~~ 488340708.1

Summary report: Litéra® Change-Pro TDC 10.1.0.300 Document comparison done on 11/26/2018 3:50:58 PM	
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Intelligent Table Comparison: Active	
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Modified DMS: iw://DMS PHX/WEST/488340708/1	
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<u>Move To</u>	0
<u>Table Insert</u>	1
Table Delete	1
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	50